

Joint Standing Committee on State and Local Government

LD 77

An Act to Change the Budgeting Process for York County

**DIED IN
CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOYNER	OTP-AM MAJ ONTP MIN	

LD 77 proposed to give the county commissioners of York County the final approval of the county budget.

Committee Amendment "A" (H-784) replaced the bill but was not adopted. It proposed to authorize the York County Commissioners to change the county budget adopted by the York County Budget Committee by unanimous vote of the five commissioners. If the commissioners changed the committee's budget, the budget committee would have been able to override the change by a majority vote of the full committee. The amendment also proposed to require notice of budget committee public hearings and all work sessions, workshops and other meetings on the budget be published 14 days before the hearing and that notice be sent by mail to the municipal clerks, county commissioners and legislative delegation of York County 14 days before the hearing. The amendment also would have added a mandate preamble.

LD 188

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Require Minimum Qualifications for the Treasurer of
State**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DONNELLY AMERO	ONTP MAJ OTP-AM MIN	

LD 188 proposed an amendment to the Constitution of Maine requiring that the Treasurer of State meet certain educational and professional qualifications.

LD 361

An Act to Encourage Regionalization of Municipal Services

**DIED BETWEEN
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON CAREY	OTP-AM MAJ ONTP MIN	

LD 361 proposed to create a grant program to assist municipalities in planning for regional delivery of municipal services. It also proposed to appropriate \$1,000,000 from the General Fund to provide the grants.

LD 566**An Act to Provide Computers for Use in the Legislature****DIED BETWEEN
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERRY	OTP-AM A	
PINGREE	ONTP B	

LD 566 proposed to require the Legislative Council to provide a computer system in the chambers of the Senate and House of Representatives for each member of the Legislature to allow Legislators immediate access to current law, pending legislation, bill status and committee schedules.

LD 1204**An Act to Establish the Maine Disaster Relief Laws****PUBLIC 600**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON	OTP-AM MAJ	H-783
	ONTP MIN	S-483 CLEVELAND

LD 1204 proposed to allow disaster relief workers who are state or municipal employees to leave work for up to 15 days each year when asked by the American Red Cross to respond to a disaster. The bill requires the approval of the employer and allows the employee to be paid at the regular rate without any interruption in benefits.

Committee Amendment "A" (H-783) proposed to limit application of the bill to disasters declared by the governor of a state or territory or the President of the United States. It removes language relating to leave for fire or ambulance calls. It also clarifies that the state or local government granting the leave is not liable under workers' compensation laws for any injuries to the employee while on leave as a disaster service volunteer.

Senate Amendment "B" to Committee Amendment "A" (S-483) proposed to allow state and municipal employees who are certified disaster service volunteers, with the approval of their employers, to use their compensated time off to participate in disaster relief services. It also allows municipal officers to approve of leave or time off for disaster relief as well as the legislative body of the municipality.

Enacted law summary

Public Law 1997, chapter 600 allows state and municipal employees who are certified disaster relief volunteers to be granted up to 15 days of paid leave or compensated time off to provide specialized disaster relief services when requested by the American Red Cross. A state employee's leave must be approved by the employee's appointing authority. A municipal employee's leave must be approved by the municipal officers or the legislative body of the municipality. The law applies only to disasters declared by the governor of a state or territory or by the President of the United States. The state or municipal employer is not liable under workers' compensation laws for injuries suffered by employees on such leave.

LD 1358	An Act to Amend the Procedures for Finalizing the Kennebec County Budget	ONTP
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES SA CAREY	ONTP	

LD 1358 proposed to eliminate the requirement under current law that the Kennebec County commissioners submit the annual county budget to the Legislature for approval. It also would have eliminated the advisory budget committee and placed responsibility for the final budget approval on a budget committee composed of elected and appointed municipal officials representing the county commissioner districts.

LD 1359	An Act to Amend the Androscoggin County Budget Process	ONTP
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOUFFARD JENKINS	ONTP	

LD 1359 proposed to amend the budget approval process for Androscoggin County by removing the requirement that the budget be submitted to the Legislature for final approval. Instead, the existing budget committee would have been empowered to adopt the budget and submit it to the county commissioners. The bill proposed that the county commissioners could alter the committee's budget only by a unanimous vote; and, if the commissioners did so, the budget committee could reject the county commissioners' change by a two-thirds vote.

LD 1551	An Act to Amend the Amount of Retainage on Public Building Contracts	DIED BETWEEN BODIES
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN	OTP-AM MAJ ONTP MIN	

LD 1551 proposed that in the case of a contract awarded for any public improvement, the State may not withhold money due the contractor under the contract pending acceptance of the project by the State.

Committee Amendment "A" (H-1087) replaced the bill but was not adopted because the Senate and House were unable to agree. As proposed, the amendment applied to state construction projects over \$1,000,000 in value and to school construction projects over \$1,000,000 in value and for which state aid is received. The amendment proposed to limit the retention of contract payments on those public improvement construction projects to line items in the project contract and to situations in which unsatisfactory progress has been made by a contractor or subcontractor. In those cases, up to five percent of the payment due under the project contract could have been withheld until all contract requirements for the line item were completed. Following completion of a line item, any retained payments would have been required to be paid promptly. At the end of a project, the value of punch list and incomplete items could be retained as well as withholding to cover good faith claims of the owner, including

claims for unsatisfactory progress on the project. The amendment proposed that over the course of the project, the owner makes the determination of how much of the payment due will be retained up to the five percent limit and as to whether satisfactory progress has been made on the project.

Senate Amendment "A" to Committee Amendment "A" (S-704) proposed the following changes in the committee amendment. It was not adopted.

1. It would have clarified that payments may be withheld against both a general contractor and a subcontractor under public improvement projects.
2. It would have removed an unnecessary reference to nonperformance of contract line items.
3. It would have clarified that the owner makes the determination of completion and acceptance of work on contract line items.
4. It would have clarified that retention of payments is a percentage of the payment due for approved work on line items under the contract.
5. It would have clarified that retention at the end of line item work under the contract may be up to five percent of the value of the line item.
6. It would have clarified that an owner is not obligated to make payments in case of nonperformance.

Senate Amendment "B" to Committee Amendment "A" (S-707) proposed the following changes in the committee amendment in an attempt to reach compromise on the bill. The amendment was adopted in the Senate but failed when the bill died between bodies.

1. It would have clarified the situations under which payments may be withheld against both a general contractor and a subcontractor under public improvement projects.
2. It would have defined "nonperformance" for the purpose of retention of payment on contract line items.
3. It would have clarified that the owner makes the determination of completion and acceptance of work on contract line items.
4. It would have clarified that retention of payments is a percentage of the payment due for approved work on line items under the contract.
5. It would have clarified that retention at the end of line item work under the contract may be up to five percent of the value of the line item.
6. It would have clarified that an owner is not obligated to make payments in case of nonperformance.

LD 1764**An Act to Establish an Office of Regulatory Reform within the Executive Branch****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACK LIBBY	ONTP	

LD 1764 proposed to establish the Office of Regulatory Reform in the Executive branch to review agency rules according to nine criteria listed in the bill. The review would have been conducted on all proposed rules and on any existing rule upon the request of 15 legislators. The purpose of the review was to assure that the benefits of a rule outweigh its costs, that each rule is based on scientific and economic evidence and that adoption of the rule would represent a sound policy decision.

LD 1777**An Act to Permit the Creation of Municipal Fire Districts****PUBLIC 698**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT GAGNON	ONTP MAJ OTP-AM MIN	S-553

LD 1777 proposed to set forth a process by which one or more municipalities may join together and form a cooperative municipal fire district. The district would be managed by a board of directors made up of representatives of each member municipality. The directors would determine the budget and municipal contributions toward the district budget. The district would issue a warrant to the municipality for the amount due the district and the municipal tax collector or constable would collect the tax from municipal inhabitants in the same manner as they collect municipal taxes.

Committee Amendment "A" (S-553) proposed to give municipalities more flexibility to form and operate fire districts by removing language specifying matters such as the number of directors representing each municipality and the time frame of the fiscal year. Municipalities would be required to negotiate an agreement on these matters and other operational matters prior to voting on formation of the district. The amendment also provides for adding municipalities to the district after its initial formation, requires the officers of the district to file notice of dissolution with the Secretary of State, and removes language limiting the district to providing fire protection only within the municipal boundaries. The amendment also removes the word "cooperative" from the title of the bill, since that term refers to a type of organization different from that described in the bill.

Enacted law summary

Public Law 1997, chapter 698 establishes a process by which one or more municipalities can join together and form a municipal fire district. The district is managed by a board of directors made up of representatives of each member municipality. The directors determine the budget and municipal contributions toward the district budget. The district issues a warrant to each municipality for the amount due the district and the municipal tax collector or constable collects the tax from municipal inhabitants in the same manner as they collect municipal taxes. The municipalities must negotiate an agreement relating to district management issues before voting to form the district.

LD 1934

Resolve, to Transfer Spectacle Pond from the State of Maine to the Town of Vassalboro

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E DAGGETT	ONTP	

LD 1934 proposed to transfer ownership of Spectacle Pond and the land surrounding it from the State to the Town of Vassalboro.

LD 1941

An Act to Amend the Membership Requirement for the Cumberland County Budget Advisory Committee

PUBLIC 584

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LABRECQUE	OTP-AM MAJ OTP MIN	H-811

LD 1941 proposed to amend the membership requirement of the Cumberland County Budget Advisory Committee to provide that members may not reside in the same municipality.

Committee Amendment "A" (H-811) proposed to amend the membership requirementS of the Cumberland County Budget Advisory Committee to provide that no more than two members may reside in the same municipality.

Enacted law summary

Public Law 1997, chapter 584 amends the membership requirements of the Cumberland County Budget Advisory Committee. Under the current law, the committee consists of nine municipal officers from within the county with three officers from each county commissioner district. This law provides that no more than two members may reside in the same municipality.

LD 1951

An Act to Require Audits of Municipal Tax Assessment and Collection

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	ONTP	

LD 1951proposed to require the Department of Audit to audit municipal tax assessment and collections on a revolving schedule so that each municipality is audited once every four years. At the public hearing on the bill, it became clear that the issue behind the bill was the possible fraud or misuse of motor vehicle excise taxes collected by municipal officials. At the request of the committee, the State Auditor agreed to put together materials and offer training in conjunction with the Maine Municipal Association on the potential for abuse in that area and the need for internal controls by the towns. The auditor will report to the committee on these efforts next year.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	ONTP MAJ	H-1031
PARADIS	OTP-AM MIN	H-1085 AHEARNE

LD 1974 proposed to require that the costs of construction and maintenance of a private road be shared equally by the landowners abutting that private road.

Committee Amendment "A" (H-1031) proposed to replace the bill. Current law provides a mechanism through which owners and occupants of a private way or bridge may meet to require all such owners and occupants to pay for maintenance of the private way or bridge. This amendment proposed to update that law to allow its use on most roads not maintained by the public. As amended, the law would provide that owners of three or more parcels of land benefited by a road may ask a notary public to call a meeting of all owners of parcels benefited by the road. At the meeting, owners will elect a commissioner and determine what repairs are needed and how to assess for the costs of repair. If any owner fails to pay, the unpaid assessments and court costs and attorney's fees may be collected from the owner through a civil action. This mechanism may not be used when maintenance responsibility is already assigned through a road association or through a contract, deed or other legally enforceable agreement, unless all involved elect to use this mechanism as an alternative. It also may not be used to pay for maintenance of a road or portion of a road used primarily for the removal of forest products.

House Amendment "C" to Committee Amendment "A" (H-1085) proposed to replace the bill and the committee amendment. It amends the current law regarding maintenance of private ways by deleting the requirement that the property owners hire a surveyor and allowing owners to recover court costs and attorney's fees from any person who fails to pay an assessment and must be taken to court by the other owners. The amendment does not change the terminology "private way," which describes the category of roads to which the law applies, but it provides that the law applies when four or more parcels of land are benefited by the private way, rather than referring to four or more people being benefited. It also provides that the process may be initiated only by persons who own parcels of land that are benefited by the private way or bridge as an appurtenant easement or by fee ownership of the private way or bridge. The amendment provides that the law does not apply to ways constructed or primarily used for commercial purposes or forest management activities. Finally, the amendment requires notice of a meeting to be provided by sending notice to property owners 30 days before the meeting as well as posting notice in a public place.

This amendment specifies that until July 1, 1999 only owners who are members of road associations incorporated as of March 1, 1998 may use the amended process.

Enacted law summary

Public Law 1997, chapter 682 amends the current law regarding maintenance of private ways. Current law allows three or more owners and occupants of a private way or bridge to ask a notary public to convene a meeting to determine the repairs needed and how to assess the owners for such repairs. The law requires the owners to choose a clerk and surveyor and provides for the collection of assessments against the owners and occupants of the private way or bridge. Public Law 1997, chapter 682 deletes from current law the requirement that the property owners hire a surveyor. It adds a provision allowing owners to recover court costs and attorney's fees from any person who fails to pay an assessment and must be taken to court by the other owners. Chapter 682 does not change the terminology "private way," which describes the category of roads to which the law applies, but it provides that the

law applies when four or more parcels of land are benefited by the private way, rather than referring to four or more people being benefited. It also provides that the process may be initiated only by persons who own parcels of land that are benefited by the private way or bridge as an appurtenant easement or by fee ownership of the private way or bridge. The law does not apply to ways constructed or primarily used for commercial purposes or forest management activities. Notice of a meeting must be sent to all affected property owners 30 days before the meeting and must be posted in a public place. Until July 1, 1999 only property owners who are members of road associations incorporated as of March 1, 1998 may make use of the amended process.

LD 1976

An Act to Allow the York County Commissioners to Send Out Tax Bills to Towns Twice a Year

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHICK LIBBY	ONTP	

LD 1976 proposed to allow the York County Commissioners to fix the date for payment of the county tax prior to September 1st, and to authorize two dates for the payment of the tax.

LD 1984

An Act to Amend the Laws Governing Secession

PUBLIC 699

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUTREMBLE	OTP-AM MAJ ONTP MIN	H-1024

LD 1984 proposed to require that the entire municipality be allowed to vote on a proposed secession of any portion of that municipality and that the secession is effective only if approved by a majority of the votes cast.

Committee Amendment "A" (H-1024) proposed to require that proponents of secession seek a meeting with the municipal officers of the municipality from which they wish to secede, for the purpose of attempting to resolve the concerns that have caused them to consider secession. The proponents are required, prior to seeking legislation, to make a written request to the officers to add the issue to the agenda for a regular meeting of the officers. The officers are not required to place the item on the agenda, but the results of the request and of any meetings that take place must be reported to the committee of the Legislature considering the secession request by the secession proponents. The municipal officers are the selectmen or councilors of a town or the mayor and aldermen or councilors of a city. The amendment also changes the provision relating to information submitted to the Legislature to require that the listed information be provided, rather than requiring it to be provided if available.

Enacted law summary

Public Law 1997, chapter 699 requires proponents of secession to request a meeting with the municipal officers of the municipality from which they wish to secede, for the purpose of attempting to resolve the concerns that have caused them to consider secession. The proponents are required prior to seeking legislation, to make a written request to the officers to add the issue to the agenda for a regular meeting of the officers. The officers are not required to place the item on the agenda, but the results of the request and of any meetings that take place must be reported to the committee of the Legislature considering the secession request by the secession proponents. Chapter

699 also changes current law to require that certain information be provided to the Legislature when a secession bill is presented, rather than requiring it to be provided only if available.

LD 2008

**An Act to Clarify Mileage Reimbursement for Employees of
Community Action Agencies**

PUBLIC 601

Sponsor(s)
DAGGETT
TESSIER

Committee Report
OTP-AM

Amendments Adopted
S-474

LD 2008 proposed to permit a state agency to authorize reimbursement for travel by a community action agency at a rate greater than the rate established for state employees.

Committee Amendment " " (S-474) clarifies the intent of the original bill by providing the conditions under which employees of community action agencies and the Maine State Housing Authority may be exempt from the mileage reimbursement rate limit established for state employees.

Enacted law summary

Public Law 1997, chapter 601 provides the conditions under which employees of community action agencies and the Maine State Housing Authority may be exempt from the mileage reimbursement rate limit established for state employees.

LD 2015

**An Act to Clarify the Law Requiring the Appointment of the
Pineland Development Authority**

**P & S 88
EMERGENCY**

Sponsor(s)
BUTLAND

Committee Report
OTP-AM

Amendments Adopted
S-534

LD 2015 proposed to ensure that the Pineland Development Authority is appointed in accordance with the intent of Private and Special Law 1995, chapter 79. This bill specifies that, unless by July 14, 1998 all of the Pineland Center has been sold or leased, the Governor must appoint members to the Pineland Development Authority which will assume management responsibility for the Pineland Center property. The bill would also alter the membership requirements of the Pineland Development Authority by adding additional members from New Gloucester, specifying that the board members select the chair, providing that vacancies must be filled in the same manner as the original vote and ensuring that each member's vote is given equal weight. The bill also requires that \$5,000,000 be appropriated for remediating environmental contamination and for building repair at the Pineland Center.

Committee Amentment "A" (S-534) proposes to remove all provisions in the bill pertaining to the Pineland Development Authority and adds revisions to the Pineland Conversion Committee and its membership. It would also add an emergency preamble to the bill.

Enacted law summary

Private and Special Law 1997, chapter 88 revises the membership of the Pineland Conversion Committee by adding local members from the towns of North Yarmouth, Gray and Pownal.

LD 2059

An Act to Repeal Certain Archaic and Unenforced Laws

PUBLIC 623

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH	OTP	

- LD 2059 proposed to:
1. Repeal the law providing that owners of steamboats employed in towing logs or lumber on the State's inland waters have a lien on those logs;
 2. Repeal the chapter of law prohibiting dueling;
 3. Repeal the law authorizing a town to prohibit the burning of bricks or the erecting of brickkilns;
 4. Repeal the law requiring that the sheriff or jailkeeper is monetarily liable when a prisoner escapes;
 5. Repeal the law that requires that prisoners being discharged from jail be given clothing costing no more than \$10, a rail ticket costing no more than \$8 and a sum of money not exceeding \$2;
 6. Eliminate the requirement that the sheriff have the county jail walls whitewashed annually;
 7. Repeal the chapter of the law requiring registration for shopping carts and containers for bakery, dairy and other products;

Enacted law summary

Public Law 1997, chapter 623 repeals certain laws which are obsolete and unenforced. This law repeals: the chapter in statutes pertaining to dueling; the prohibition of burning bricks or erecting brickkilns in a town; the provision which holds a jailkeeper monetarily liable when a prisoner escapes; the provision which requires that a discharged prisoner be given clothing, a rail ticket and money of limited value and the requirement that county jails be whitewashed annually; the registration requirement of shopping carts and; the requirement that steamboat owners towing logs on inland waters have a lien on those logs.

LD 2085

**An Act to Provide for the Continuation of Town Government
Despite a Failed Budget Referendum**

ONTP

Sponsor(s)
WRIGHT

Committee Report
ONTP

Amendments Adopted

LD 2085 proposed to provide that if a municipal budget is not approved in three consecutive referenda, a municipality may continue to operate on 1/12 of the previous year's budget until a budget is approved.

LD 2098

An Act to Improve the Integrity of Notaries Public

PUBLIC 712

Sponsor(s)
NUTTING

Committee Report
OTP-AM MAJ
ONTP MIN

Amendments Adopted
S-590

LD 2098 proposed to amend the notary public laws by establishing guidelines for the Secretary of State to use when a complaint is brought against a notary public.

Committee Amendment "A" (S-590) proposed to provide that the Secretary of State may adopt rules regarding the commission of a notary public after that notary public has been convicted of a crime. These rules must provide that a conviction for perjury, false swearing, bribery, corrupt practices or forgery or related offenses may be a basis for the Secretary of State to suspend, revoke or refuse to renew the commission of a notary public.

Enacted law summary

Public Law 1997, chapter 712 establishes guidelines for the Secretary of State to use when addressing a complaint brought against a notary public and defines the grounds under which the Secretary of State may revoke or refuse to renew the commission of a notary public.

LD 2108

**An Act to Have a Referendum on Whether or Not an Independent
Public Commission Should be Established to Set Legislative Pay**

**DIED BETWEEN
BODIES**

Sponsor(s)
LAWRENCE

Committee Report
OTP-AM A
ONTP B
OTP-AM C

Amendments Adopted

LD 2108 proposed to establish a Legislative Compensation Commission to review the current levels of compensation provided to Maine Legislators. The bill provides that the five members of the commission be appointed by the Governor, with at least one from each of the two major political parties. The bill specifies that no member of the commission may be a former Legislator or a Legislator, lobbyist or lobbyist employer at the time of the appointment. Under the bill, the commission's recommendations would be binding and automatically take effect.

for the next legislative session. The establishment of the Legislative Compensation Commission proposed by this bill would need to be approved by the voters of Maine via referendum vote in order to be established.

Committee Amendment "A" (S-630), the majority report of the Joint Standing Committee on State and Local Government, was not adopted. The amendment proposed to remove the provision that gives the Legislative Compensation Commission's recommendations on compensation the force of law unless the Legislature specifically overrides them. Instead, the amendment would require the commission to report its recommendations to the Legislative Council and the Joint Standing Committee on State and Local Government. The Chair of the Legislative Council would introduce a joint order adopting the recommendation and directing the Joint Standing Committee on Appropriations and Financial Affairs to describe and fund those levels in the budget for the next legislative biennium. A public hearing on the joint order would be held by the Joint Standing Committee on State and Local Government, which would then vote on the order and report its vote to the Senate and the House of Representatives. A new compensation level would take effect if the joint order is approved by both bodies and budget legislation including the new compensation would take effect. Until a new level of compensation is established pursuant to the proposed law, the current level of compensation would remain in effect. The amendment would change the date of the first report from November 30, 1999 to March 1, 2000 and requires the commission to report every four years rather than every two years.

The amendment would also change the term of office for members of the commission from four years to three years and add a requirement that one member of the commission be a person who is not enrolled in any party. The amendment would also remove the requirement that the proposal be put out to referendum.

Committee Amendment "B" (S-631), a minority report of the Joint Standing Committee on State and Local Government, was not adopted. The amendment proposed to amend the bill in the same manner as Committee Amendment "A" with some additional changes. The amendment proposed to require the commission to hold four public hearings throughout the state to solicit information from the public about barriers to running for the Legislature and proposals to eliminate them. A requirement that one commission member have professional experience in administration of compensation and retirement benefits was proposed by this amendment. With the amendment the Legislature would not be able to increase the level of compensation recommended by the commission and the commission would be repealed on March 1, 2002.

The amendment requires the commission to hold four public hearings around the State to solicit information from the public about barriers to running for the Legislature and to solicit recommendations for eliminating those barriers. The amendment also repeals the commission on March 1, 2002 and provides that compensation remains at the level in effect prior to the repeal.

The amendment also changes the term of office for members of the commission from four years to three years and adds a requirement that one member of the commission be a person who is not enrolled in any party. The amendment requires that one commission member be a person with professional experience in compensation and retirement benefits. The amendment also removes the requirement that the proposal be put out to referendum.

Senate Amendment "A" (S-694), which was not adopted, proposed to clarify that the Legislative Compensation Commission be required to address health care and federal tax benefits in its recommendations.

Committee of Conference Amendment "A" (S-781), which was not adopted, was the report of the committee of conference. This report proposed to amend the bill in the same way as Committee Amendment "A" with some additional changes. It would remove the Joint Standing Committee having jurisdiction over matters of state and local government from the process outlined to establish compensation. Instead, the commission after holding work

meetings and public hearing would issue its report to the Legislative Council who would issue the recommendations to the Legislature as a Joint Order. The report proposed to specify that recommendations must be made based on work in and out of session and outlined a specific timeline by which meetings and hearings of the commission should be held. The amendment also proposed to change the date the commission would report to January 15, 2000.

LD 2112

**An Act Creating the InforME Public Information Act to Ensure
Access to Electronic Public Records**

PUBLIC 713

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE	OTP-AM A	S-624
MITCHELL E	ONTP B	
	OTP-AM C	

LD 2112 proposed to create a system to provide electronic access to public information from the executive, judicial and legislative branches of state government. The system, known as the Information Resource of Maine, or "InforME," is governed by a 15-member board composed of representatives of the public and private sectors. The InforME board will establish policies for the system and will enter into a contract with a private entity to serve as network manager. The network manager will establish an internet site through which the information will be provided and will administer the system under direction of the InforME board. Each agency and branch of government will decide what information will be made available through InforME. A service level agreement between the network manager and the agency or branch that provides the information, referred to as the data custodian, will govern the provision of information and services. Most information will be available without charge, but the network manager is allowed to create premium services and to charge a fee for those additional services.

Committee Amendment "A" (S-624) adds to the InforME Board two voting public members, appointed by the President of the Senate and the Speaker of the House of Representatives. It clarifies that provision of information through InforME does not diminish an agency's duty to provide access to public information under the freedom of access laws. The amendment prohibits the InforME board from approving as a premium service any service that provides access to records or data in the form maintained by the data custodian. The amendment allows the network manager to receive a portion of the agency fee for information or a service in return for making the information or service available electronically, but prohibits the electronic access fee from being higher than the fee for providing the information or service in the usual form.

The amendment specifies that the service level agreement between the data custodian and the network manager determines the extent to which confidential information is made available to the network manager. The amendment provides that free services provided to libraries must be made available through the depository library system and may be provided through other libraries as well.

The amendment requires the InforME Board to annually report to the Legislature, including a list of services provided, fees charged and the criteria for determining premium services. In the first report delivered on January 1, 1999, the board must include an analysis of the feasibility of offering premium services at no charge to depository libraries or other libraries in the State.

Enacted law summary

Public Law 1997, chapter 713 creates a system to provide electronic access to public information from the executive, judicial and legislative branches of state government. The system, known as the Information Resource of Maine, or “InforME,” is governed by a 17-member board composed of representatives of the public and private sectors. The InforME board will establish policies for the system and will enter into a contract with a private entity to serve as network manager. The network manager will establish an internet site through which the information will be provided and will administer the system under direction of the InforME board. Each agency and branch of government will decide what information will be made available through InforME. A service level agreement between the network manager and the agency or branch that provides the information, referred to as the data custodian, will govern the provision of information and services. Most information will be available without charge, but the network manager is allowed to create premium services and to charge a fee for those additional services. The InforME board must approve premium services and is prohibited from approving as a premium service any service that provides access to records or data in the form maintained by the data custodian. The board also must approve premium service fees. Fees must cover all costs of operating the system; General Fund appropriations are not provided for operation of the system.

The InforME board is required to make an annual report to the Legislature, including a list of services provided, fees charged and the criteria for determining premium services. In the first report delivered on January 1, 1999, the board must include an analysis of the feasibility of offering premium services at no charge to depository libraries or other libraries in the State.

LD 2114

An Act Relating to the Qualifications of the Director of the Bureau of Human Resources

PUBLIC 632

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING	OTP MAJ	
AHEARNE	ONTP MIN	

LD 2114 proposed to change the qualifications for the Director of the Bureau of Human Resources in the Department of Administrative and Financial Services by eliminating the requirement that the director meet specific enumerated factors.

Enacted law summary

Public Law 1997, chapter 632 changed the qualifications for the Director of the Bureau of Human Resources in the Department of Administrative and Financial Services by eliminating the requirement that the director meet specific enumerated factors.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	OTP-AM MAJ ONTP MIN	H-1032

LD 2136 proposed to allow the Department of Audit to access information in the files of a department, commission or agency of the State, including confidential information, during the course of an audit or investigation. It also proposed to classify certain audit working papers as confidential and to specify the circumstances in which audit working papers may be disclosed.

Committee Amendment "A" (H-1032) replaced the bill. It proposed to authorize the State Auditor to access confidential or privileged information in the files of departments, commissions and agencies that are the subject of an audit or investigation. It requires the State Auditor to meet with the department, commission or agency to discuss methods of identifying and protecting confidential or privileged information and requires the department, commission or agency to inform the State Auditor of department standards and procedures for handling information it considers confidential or privileged. The amendment allows departments, commissions and agencies to remove from the files information that identifies persons or institutions if necessary to protect confidential or privileged information, provided other unique identifiers are inserted in their place. It makes clear that provisions of law, including penalties applicable to department, commission or agency staff for handling or disclosure of confidential or privileged information, apply to the State Auditor and staff. Confidential or privileged information may be disclosed only if allowed by law and if agreed to by the department, commission or agency. The amendment also provides that audit working papers are confidential, but may be disclosed under certain specified situations.

Enacted law summary

Public Law 1997, chapter 703 authorizes the State Auditor to access confidential or privileged information in the files of departments, commissions and agencies that are the subject of an audit or investigation. It requires the State Auditor to meet with the department, commission or agency to discuss methods of identifying and protecting confidential or privileged information and requires the department, commission or agency to inform the State Auditor of department standards and procedures for handling information it considers confidential or privileged. Chapter 703 allows departments, commissions and agencies to remove from the files information that identifies persons or institutions if necessary to protect confidential or privileged information, provided other unique identifiers are inserted in their place. It makes clear that provisions of law, including penalties applicable to department, commission or agency staff for handling or disclosure of confidential or privileged information, apply to the State Auditor and staff. Confidential or privileged information may be disclosed only if allowed by law and if agreed to by the department, commission or agency. The law also provides that audit working papers are confidential, but may be disclosed under certain specified situations.

LD 2147**An Act to Amend the Laws Relating to Archives and the Retention and Admissibility of Electronic Records****PUBLIC 636**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMKE RUHLIN	OTP-AM	H-945

LD 2147 proposed to amend the laws relating to governmental archives and the retention and admissibility of governmental electronic records. It clarifies language relating to records by deleting language differentiating “current”, “semicurrent” and “noncurrent” records; it consolidates two conflicting definitions of “record” and defines “electronic record”. It amends the law requiring local governments to provide fireproof safes or vaults for non-current records to say that the requirement applies only to records that must be retained permanently but that are not required for business purposes.

The bill provides that electronic records may not be denied legal effect solely because they are in electronic form. It establishes methods of determining accuracy and integrity of the records, specifies how the jury or judge must weigh electronic evidence, and establishes standards for government agencies to follow in retaining electronic records to meet legal requirements.

Committee Amendment "A" (H-945) deletes a segment of the bill relating to admission of electronic records to legal proceedings and assessing the evidential weight of electronic records.

Enacted law summary

Public Law 1997, chapter 636 amends the laws relating to governmental archives and the retention and admissibility of governmental electronic records. It makes technical changes to language defining and categorizing types of records and it defines “electronic record”. It amends the law requiring local governments to provide fireproof safes or vaults for non-current records to say that the requirement applies only to records that must be retained permanently but that are not required for business purposes. It also provides that records may not be denied legal effect in court proceedings solely because they are in electronic form. It establishes methods of determining accuracy and integrity of the records and establishes standards for government agencies to follow in retaining electronic records to meet legal requirements.

LD 2148**An Act to Grant the Joint Standing Committee Having Jurisdiction over Criminal Matters the Authority to Review the Appointments of the Commissioner of Public Safety and the Chief of the State Police****PUBLIC 657**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH MURRAY	OTP-AM A OTP B ONTP C	

LD 2148 proposed to transfer the authority to review nominations of the Commissioner of Public Safety and the Chief of the State Police from the Joint Standing Committee on State and Local Government to the Joint Standing Committee on Criminal Justice.

Enacted law summary

Public Law 1997, chapter 657 transfers authority to review the nominations for Commissioner of Public Safety and the Chief of the State Police from the Joint Standing Committee on State and Local Government to the Joint Standing Committee on Criminal Justice.

LD 2154**An Act to Improve State House Utilization****PUBLIC 671**

Sponsor(s)
RAND

Committee Report
OTP-AM

Amendments Adopted
S-533

LD 2154 proposed to limit the excepted space to those offices occupied by the Governor or the Governor's staff in the west wing of the State House. Current law gives the Legislative Council control over all of the State House except for those offices occupied by the Governor or the Governor's staff on January 1, 1982.

Committee Amendment "A" (S-533) proposed to add language requiring the Legislative Council to ensure that the Governor and the Governor's staff have sufficient and appropriate office space in the State House. It also strikes language in current law specifying the uses the Legislative Council may make of the State House space.

Enacted law summary

Public Law 1997, chapter 671 amends the law setting forth authority over use of space in the State House. Current law gives the Legislative Council control over all of the State House except for those offices occupied by the Governor or the Governor's staff on January 1, 1982. Chapter 671 limits the excepted space to those offices occupied by the Governor or the Governor's staff in the west wing of the State House. It requires the Legislative Council to ensure that the Governor and the Governor's staff have sufficient and appropriate office space in the State House. It also strikes language in current law specifying the uses the Legislative Council may make of the State House space.

LD 2181**An Act Concerning Reporting Deadlines of Studies Authorized by Law****PUBLIC 582
EMERGENCY**

Sponsor(s)
MITCHELL E
RAND

Committee Report
OTP

Amendments Adopted

LD 2181 proposed to extend the reporting deadlines of certain studies required in legislation enacted in the First Regular or First Special Session of the 118th Legislature.

Enacted law summary

Public Law 1997, chapter 582 extended the reporting deadlines for studies involving the following entities: the Task Force to Study the Cost-effectiveness of the Child Development Services System; the Maine Commission on

Children's Health Care; the Task Force on Improving Access to Prescription Drugs for the Elderly; the Task Force to Study Economic Opportunity for All Regions of the State; the Commission to Study the Unemployment Compensation System; and the Maine Commission to Study the Certificate of Need Laws. Chapter 582 was enacted as an emergency measure, effective March 4, 1998.

LD 2211 **Resolve, to Repeal a Prior Resolve Authorizing the Exchange of a Parcel of Land Owned by the State with One Owned by Luke Bolduc** **RESOLVE 98**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNE	OTP-AM	H-909

LD 2211 proposed to repeal a previous resolve that required the exchange of all of the land owned by Luke Bolduc, approximately two acres, for about 37 acres of the Maine Veterans' Cemetery. This resolve requires the exchange between Mr. Bolduc and the Cemetery of approximately like-sized pieces of property while straightening out the boundary line of the cemetery.

Committee Amendment "A" (H-909) proposed to correct a Registry of Deeds page number.

Enacted law summary

Resolve 1997, chapter 98 repeals a 1996 resolve that required the exchange of all of the land owned by Luke Bolduc, approximately two acres, for about 37 acres of the Maine Veterans' Cemetery. This resolve requires the exchange by Mr. Bolduc and the Cemetery of approximately like-sized pieces of property and allows for straightening of the cemetery boundary line.

LD 2244 **An Act to Encourage Intergovernmental Cooperation** **PUBLIC 785**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL J	OTP-AM MAJ	H-1016
GOLDTHWAIT	ONTP MIN	S-761 MICHAUD

LD 2244 proposed to clarify the authority of counties to develop and contract to provide services to municipalities. The bill also proposed to increase the share of real estate transfer tax retained by counties from 10 percent to 25 percent, to appropriate \$500,000 for pilot projects conducted by counties and to require appointment of four legislators to an executive department task force on intergovernmental cooperation.

Committee Amendment "A" (H-1016) proposed to delete the \$500,000 appropriation for grants to counties for pilot projects, remove authorization for counties to contract with unorganized townships and clarify language regarding fees.

Senate Amendment "B" (S-761) proposed to delete sections of the bill increasing the share of real estate transfer tax retained by the counties and authorization for grants to counties for pilot projects.

Enacted law summary

Public Law 1997, chapter 785 clarifies the authority of counties to develop and contract to provide services to municipalities. It also requires appointment of four legislators to an executive department task force on intergovernmental cooperation and appropriates funds to pay per diem and expenses for those members.

LD 2245 An Act Requiring Notification of Option to Request Judicial Review DIED BETWEEN BODIES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E	OTP-AM MAJ	
MICHAUD	ONTP MIN	

LD 2245 proposed to require state agencies to notify parties to an agency proceeding of their right to judicial review and the deadlines for filing a petition for review.

LD 2250 An Act to Implement the Recommendations of the Maine Commission on Outstanding Citizens P & S 76

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ	H-1064
	OTP-AM MIN	S-635 LIBBY

LD 2250 proposed to implement the recommendations of the Maine Commission on Outstanding Citizens to effectuate the acquisition and display of portraits in the State House of outstanding Maine citizens.

Committee Amendment "A" (H-1064) proposed to strike the bill and replace it with the list of 20 citizens included in the recommendations of the Legislature and adding Dora Bradbury Tinkham and Kate Douglas Wiggin to the list of those receiving official recognition as outstanding Maine citizens.

Senate Amendment "A" to Committee Amendment "A" (S-635) would provide funding for acquisition of the portraits from the Percent for Art Program.

Enacted law summary

Private and Special Law 1997, chapter 76 implements the recommendations of the Maine Commission on Outstanding Citizens plus Dora Bradbury Tinkham and Kate Douglas Wiggin by providing for the acquisition and display of portraits in the State House of outstanding Maine Citizens through funding from the Percent for Art Program.

LD 2258

Resolve, Authorizing the Transfer of the Old Hancock County Jail on State Street, Ellsworth from Hancock County to the Ellsworth Historical Society

RESOLVE 116

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH GOLDTHWAIT	OTP-AM	H-1020 S-606 GOLDTHWAIT

LD 2258 proposed to authorize the Hancock County Commissioners to transfer the Old Hancock County Jail and Sheriff's House to the Ellsworth Historical Society.

Committee Amendment "A" (H-1020) would add a particular description of the land authorized to be transferred by the resolve.

Senate Amendment "A" to Committee Amendment "A" (S-606) proposed to correct the description of the land authorized to be transferred.

Enacted law summary

Resolve 1997, chapter 116 authorizes the Hancock County Commissioners to transfer the Old Hancock County Jail and Sheriff's House to the Ellsworth Historical Society.

LD 2270

Resolution, Proposing an Amendment to the Constitution of Maine to Amend the Timing of Elections Following the Submission of a Petition for People's Veto

DIED BETWEEN BODIES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEVELAND QUINT	OTP-AM MAJ ONTP MIN	

LD 2270 proposed to amend the Constitution of Maine to require that a petition for a people's veto be submitted to the voters at a regular statewide or general election not less than 60 days after the Governor issues a proclamation, and to delete language allowing the Governor to call a special election for that purpose.

LD 2280

**An Act Authorizing Certain Debt of Hancock County for
Construction of a New Jail and Courthouse Renovations and
Ratifying Certain Action Taken by Hancock County in Connection
with the Authorization of this Debt**

**P & S 81
EMERGENCY**

Sponsor(s)
GOLDTHWAIT
POVICH

Committee Report
OTP-AM

Amendments Adopted

LD 2280 proposed to ratify the action taken by the voters of Hancock County to approve the borrowing of \$6 million for a new jail facility and renovation of the courthouse in Ellsworth. Ratification is needed because the wording of the question on the ballot did not exactly match the wording required in the Private and Special Law authorizing the vote.

Enacted law summary

Private and Special Law 1997, chapter 81 ratifies the action taken by the voters of Hancock County to approve the borrowing of \$6 million for a new jail facility and renovation of the courthouse in Ellsworth. Ratification is needed because the wording of the question on the ballot did not exactly match the wording required in the Private and Special Law authorizing the vote. Private and Special Law chapter 81 was enacted as an emergency measure effective April 3, 1998.

LD 2282

**An Act to Establish the Boundary between Harpswell and
Brunswick**

P & S 80

Sponsor(s)
ETNIER

Committee Report
OTP-AM MAJ
OTP-AM MIN

Amendments Adopted
H-1062

LD 2282 proposed to define and describe the location of the common boundary between the Town of Brunswick and the Town of Harpswell.

Committee Amendment "A" (H-1062) makes technical corrections to the description of the boundary line between Harpswell and Brunswick and adds language clarifying that the description is the boundary line. The amendment also makes the Act conditional on approval of the voters of both towns.

Enacted law summary

Private and Special Law 1997, chapter 80 defines and describes the location of the common boundary between the Town of Brunswick and the Town of Harpswell. The Act is conditional upon approval of the voters of both towns.

LD 2290

**Resolve, for Laying of the County Taxes and Authorizing
Expenditures of Kennebec County for the Year 1998**

**RESOLVE 108
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ	
	ONTP MIN	

LD 2290 proposed to authorize the laying of the county taxes and expenditures of Kennebec County government for the year 1998.

Enacted law summary

Resolve 1997, chapter 108 authorizes the laying of the county taxes and expenditures of Kennebec County government for the year 1998. Resolve chapter 108 was passed as an emergency measure effective April 4, 1998.

LD 2291	Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1998	RESOLVE 109 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ	
	ONTP MIN	

LD 2291 proposed to authorize the laying of the county taxes and expenditures of Androscoggin County government for the year 1998.

Enacted law summary

Resolve 1997, chapter 109 authorizes the laying of the county taxes and expenditures of Androscoggin County government for the year 1998. Resolve chapter 109 was passed as an emergency measure effective April 2, 1998.

LD 2292	An Act to Revise the Salaries of Certain County Officers	PUBLIC 721 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ	
	ONTP MIN	

LD 2292 proposed to increase the salaries of certain county officers and applies retroactively to January 1, 1998 and adds a fiscal note.

Enacted law summary

Public Law 1997, chapter 721 establishes the 1998 salaries of county officers in Kennebec and Androscoggin counties. No changes were made in the salaries of Androscoggin County officers from those established in 1997. Public Law chapter 721 was enacted as an emergency measure effective April 7, 1998.

LD 2294

Resolve, Regarding Payments to Legislators During a Special Session of the 118th Legislature

**FAILED
EMERGENCY
FINAL PASSAGE**

Sponsor(s)
MITCHELL E

Committee Report

Amendments Adopted

LD 2294 proposed that Legislators are not entitled to per diem compensation for attendance at the Second Special Session of the 118th Legislature. This bill was considered without reference to committee.